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Office of the Director

RL:0456B

SB 2343, SD 1
RELATING TO SOLID WASTE DISPOSAL

Statement for
House Committee on
Energy, Ecology, and Environmental Protection
Public Hearing - 26 March 1982

Attached hereto is a statement on the original version of SB 2343 submitted to the Senate Committee on Agriculture. SB 2343, SD 1 has been improved in several ways as indicated in Standing Committee Report 405. However, the cautions expressed in the statement still apply to the revised version.



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SB 2343-82 RELATING TO SOLID WASTE DISPOSAL

Statement for
Senate Committee on Agriculture
Public Hearing - 1 March 1982

By
Robert Hall, Environmental Health and Safety
Roy Takekawa, Environmental Health and Safety
Doak C. Cox, Environmental Center

SB 2342-82 would amend three sections of HRS 342, the state's pollution control law, so that it will deal more effectively with the problem of hazardous wastes. This statement on the bill has been submitted for review to the Legislative Subcommittee of the Environmental Center of the University of Hawaii. However, it does not represent an institutional position of the University.

We understand that there have been three intents in the introduction of SB 2342:

1. To provide, better than the present law provides, for State actions necessary to allow continued shipment of hazardous wastes to the West Coast for disposal;
2. To provide better for State cooperation with the federal Environmental Protection Agency (EPA) hazardous-waste-control program.
3. To prepare for State takeover of some of this EPA program if such takeover is necessitated by EPA cutbacks.

Each of these intents has merit but expression of three general cautions seems warranted.

1. If it is necessary to prepare for the State to take over some of the EPA activities in controlling the disposal of hazardous wastes, we suggest that it will be important to provide not only for the statutory authority for the takeover, but for the increase in staff that will be necessary to make the takeover effective.
2. Where State permits might otherwise be required for actions covered by current EPA permits, we recommend that provision be made to recognize the validity of the EPA permits at least for the balance of their terms.

3. Under the federal law and regulations governing the disposal of hazardous waste, certain kinds of processes are exempt from permits. No provision for exemption is made in SB 2343. Acid and bases are used even in high-school chemistry laboratories, and their neutralization is a simple routine and procedure that can be carried out safely in those laboratories. There is no reason for requiring that every high-school chemistry laboratory should have a permit for each neutralization procedure.

We recommend that SB 2343 provide that, with respect to simple and routine procedures that will render hazardous wastes non-hazardous or will contribute to the satisfactory disposal of hazardous wastes method significant public hazard or environmental detriment, the Department of Health may either:

- a) through its regulations exempt the procedures from permit requirements, or
- b) issue general permits not restricted to specific institutions.

Attached to this statement is a memorandum dated 26 February, 1982 noting parts of the bill to which these cautions apply.



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February 26, 1982

TO: Doak Cox, Director
Environmental Center

FROM: Robert B. Hall *R.B. Hall*
Environmental Health and Safety Officer

SUBJECT: SB 2343-82 Relating to Solid Waste Disposal

Amendment to SECTION 1. Section 342-6, Hawaii Revised Statutes referenced in the above SB 2343-82 will directly affect the University of Hawaii, other governmental agencies and several private industrial agencies involved with the handling, storing, treatment and/or disposal of hazardous waste materials. The amendments in question would cause a direct duplication of Federally mandated requirements covered by the Environmental Protection Agency (EPA) Hazardous Waste Management System, Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, as amended.

In compliance with RCRA Section 3010, the University of Hawaii along with other governmental agencies and applicable private industry applied for and received in 1980, EPA Identification Numbers (Permits) which are used on all shipping manifests and other records and documents required by EPA and the U.S. Department of Transportation (DOT). Further, in 1981 all Hawaii agencies who treat, store, or dispose of hazardous materials applied for and have received Interim Hazardous Waste Permits as required by the Section 3005 of RCRA. This satisfies Part A of the Hazardous Waste Permit Application for each facility. The forthcoming Part B of the "Permit" will require substantial additional documentation and records to meet the requirements for those agencies who intend to treat/store and/or dispose of hazardous waste. In reference to the above. SB 2343:

Page 1, lines 3 through 11 imply the necessity to duplicate documents and records already on file with Federal agencies.

We propose that the State of Hawaii either exempt those agencies currently under EPA "Permits" or to issue State permits based on current documentation and records available to meet RCRA requirements, EPA and DOT standards.

Page 3, lines 1 through 6 and others of similar nature throughout the bill should not apply where Federal requirements preside.

Page 5, lines 19 thru line 14 of page 6. This amendment would conflict with existing Federal regulations of RCRA, EPA, and DOT who currently have jurisdiction.

Page 7, line 9--Definitions (1) "Solid waste" (line 11) includes waste oil, pesticide, paints, solvents, and hazardous waste under lines 3 through 5 of page 8. These waste materials are included under Federal RCRA and EPA regulations which currently have jurisdiction. Double enforcement agency control would force a hardship upon the University and other agencies affected.

Page 8, lines 6 through 8, (2) "Approved solid waste disposal system" means a system for the storage, treatment, transfer, and disposal of solid waste approved by the director. Same comments apply as previously stated.

Page 8, lines 13 through 16 (4) "Incineration" means the treatment of solid waste by burning... "Treatment" by incineration of hazardous materials is currently covered by Federal mandates. The same comments apply as previously stated.

Page 8, lines 20 and 21 & page 9, lines 1 through 5 include waste materials currently covered by Federal requirements having jurisdiction. The comments apply as previously stated.

Page 9, lines 12 (8) "treatment" when used with reference to hazardous waste means... Covered by Federal regulations. The previous comments apply.

Further, "treatment" as defined allows for no provisions of treatment of small quantities of hazardous waste without a "permit" from the director. The following are examples: small amounts of laboratory acids could not be neutralized and disposed to the sanitary sewage system without a "permit". Many of the University laboratories are designed with acid lines (glass) from laboratories to a treatment bed of lime, prior to sanitary sewer disposal. The amendment would disallow a recognized method of treatment without a permit. A common method of disposing of small quantities of solvents (considered as a hazardous material) is to evaporate it in a fume hood. This method of treatment would be disallowed without a "permit", etc. Exempt provisions should be added to cover the treatment of small quantities of materials where it would not prove harmful to environmental conditions. Further, if no provisions are written in, the enforcement of this amendment as it now stands would be impossible.

Page 10, line 3 (9) "Manifest" means... Covered by Federal regulation. The previous comments apply.

Page 10, line 8 (10) "Disposal" means ... Covered by Federal regulation. The previous comments apply.

Page 11, line 3, item (1) would constitute dual enforcement. The previous comments apply.

Page 12, lines 1 through 9 would constitute dual enforcement. State statutes should exempt those agencies covered under Federal requirements or the State should accept duplicate records required by Federal mandate.

cc: Kenji Sumida
Philip Koehler